

Fixed-term employment

Abstract

The topic of this master thesis is, as its name indicates, legislation of fixed-term employment in the Czech Labour Code. This thesis further develops and in some parts modifies my student work named "Reflection on fixed-term employment not only in perspective of conflict of opinions between the Constitutional Court and the Supreme Court". This topic became relevant again with the ongoing judicial dispute between the Constitutional Court and the Supreme Court, as neither of the courts decided to withdraw of its way of interpretation of section 39 subsection 5 of the Czech Labour Code. The aim of this thesis is to briefly introduce the current legislation and its historical sources, analyse it critically and propose a regulation de lege ferenda. The thesis is divided into five chapters, while subchapters 2., 3. and 4. are further divided into thematically different subchapters. The first chapter briefly introduces the current legislation in the Czech Labour Code. The second chapter contains a summary of the history of fixed-term employment and the position of labour law within the legal system in general with the purpose of presenting historical background. The third chapter focuses on an analysis of the institute of fixed-term employment in terms of elements of security/insecurity for employees. In the following chapter, chapter four, I deal with section 39 subsection 5 of the Czech Labour Code and especially with the judicial dispute between the Constitutional Court and the Supreme Court, which I briefly summarise, analyze and add my own assessment. Last chapter is dedicated to suitable future changes in the legal regulation of fixed-term employment in the Czech Labour Code, which I find suitable especially in the case of section 39 subsection 2 of the Czech Labour Code. In case of section 39 subsection 5, I present a possible suitable change. However, I am not convinced about its necessity unless the Constitutional Court refuses to accept the reasoning behind the Supreme Court's argumentation and change its decision-making in this matter.

Key words: fixed-term employment / security / Labour Code.